

**STATE OF CONNECTICUT  
CONNECTICUT EXAMINING BOARD FOR BARBERS,  
HAIRDRESSERS AND COSMETICIANS**

Manuel Santiago  
59 South View Street  
Waterbury, CT 06706

Petition No. 2001-0404-025-002

**MEMORANDUM OF DECISION  
*Procedural Background***

The Department of Public Health ("the Department") presented the Connecticut Examining Board for Barbers, Hairdressers and Cosmeticians ("the Board") with a Statement of Charges ("the Charges") brought against Manuel Santiago ("respondent") dated April 23, 2002. Dept. Exh. 1. The Charges and Notice of Hearing were sent to respondent via first class and certified mail on May 3, 2002. The Notice of Hearing notified respondent that the hearing would be held before the Board on May 20, 2002. Dept. Exh. 1.

The hearing in this matter convened on May 20, 2002. Although the Department made adequate and reasonable efforts to effectuate notice, respondent neither appeared nor was represented. Dept. Exh. 1; Tr. 5/20/02 p.1. Steven Miltimore, Esq. represented the Department.

At the hearing, the Department presented a Motion to Deem the Allegations Admitted based on respondent's adequate notice of the allegations against him and his failure to file an Answer. Dept. Exh. 2. In accordance with Connecticut General Statutes Section 19a-9-20, the Board granted the Department's motion. Tr. 5/20/02 pp. 2-53. All Board members involved in this decision attest that they have heard the case or read the record in its entirety. This decision is based entirely on the record. To the extent that the findings of fact actually represent conclusions of law, they should be so considered, and vice versa. *SAS Inst., Inc. v. S&H. Computer Systems, Inc.*, 605 F.Supp. 816 (M.D. Tenn. 1985).

**Allegations**

1. In paragraph 1 of the Charges, the Department alleges that respondent is, and has

been at all times referenced in this Statement of Charges, the holder of Connecticut barber license number 002686.

2. In paragraph 2 of the Charges, the Department alleges that from on or before November 29, 2000, through at least January 11, 2001, respondent operated Penulias Barber Shop in Waterbury.
3. In paragraph 3 of the Charges, the Department alleges that on or about January 11, 2001, respondent employed an unlicensed person, Ramiro Perez, to cut hair at Penulias Barber Shop.
4. In paragraph 4 of the Charges, the Department alleges that the above-described facts constitute grounds for disciplinary action pursuant to Connecticut General Statute §20-238(a).

#### **Findings of Fact**

1. The Department provided respondent adequate, reasonable, and actual notice of the hearing in this matter by sending notice via certified mail and first class mail. Dept. Exh. 1.
2. Respondent received notice of the hearing as proven by the return of the signed certified mail green card. Dept. Exh. 1, Dept. Exh. 2 att. C.
3. Respondent did not file an Answer to the allegations contained in the Statement of Charges. Dept. Exh. 2
4. All of the factual allegations contained in the Statement of Charges are deemed admitted. In particular,
  - a. Respondent is the holder of Connecticut barber license number 002686
  - b. On or before on or before November 29, 2000, through at least January 11, 2001, respondent operated Penulias Barber Shop in Waterbury. Dept. Exh. 2 att. A.
  - c. On or about January 11, 2001, respondent employed an unlicensed person, Ramiro Perez, to cut hair at Penulias Barber Shop. Dept. Exh. 2 att. A.
5. Respondent was previously issued a warning by the Board on May 30, 1989, for employing an unlicensed person to cut hair. Dept. Exh. 3.

#### **Discussion and Conclusions of Law**

The Department bears the burden of proof by a preponderance of the evidence in this matter. *Steadman v. Securities and Exchange Commission*, 450 U.S. 91, 101 S.Ct.

999, *reh'g denied*, 451 U.S. 933 (1981); *Swiller v. Commissioner of Public Health*, CV 950705601, Superior Court, J.D. Hartford/New Britain at Hartford, Memorandum filed October 10, 1995.

Section 19a-10 of the Connecticut General Statutes provides in pertinent part, “[Boards] may conduct hearings on any matter within their statutory jurisdiction. Such hearings shall be conducted in accordance with Chapter 54 and the regulations established by the Commissioner of Public Health.” As provided in Section 19a-14a(9), the Board of Examiners for Barbers and Hairdressers and Cosmeticians is authorized to conduct a hearing relating to the allegations enumerated within the Charges against Manuel Santiago, barber.

The Motion to Deem Allegations Admitted was granted by the Board. As such, in accordance with §19a-9-20 of the Regulations, respondent is deemed to have specifically admitted to all of the allegations contained in the Charges. FF 4. Further, as established by a preponderance of the evidence, the Board found respondent violated Chapter 386, §20-238, of the Connecticut General Statutes, which provides:

... The board may suspend or revoke any license or certificate granted by it or take any of the actions set forth in section 19a-17 if the holder of a license is ... a violator of any provision of this chapter or of the regulations adopted pursuant thereto ...

Section 20-249 of the Connecticut General Statutes, further prohibits licensees from employing unlicensed person to act as master barbers. Respondent is a licensed master barber. He is deemed to have admitted to operating the Penulias Barber Shop in Waterbury and employing an unlicensed person, Ramiro Pereza, to cut hair. FF4. Thus, respondent’s license is subject to the disciplinary action pursuant to §20-238 taken in conjunction with §20-249.

### **Order**

Pursuant to the authority vested in it by §§19a-17 and 20-238 of the Connecticut General Statutes, the Board orders:

1. Respondent’s master barber license number 002686 will be suspended for a period of six months.

2. Respondent shall pay a civil penalty of five hundred dollars (\$500) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check, and shall be payable within thirty days of the effective date of this Decision

Connecticut Examining Board  
for Barbers, Hairdressers and Cosmeticians

1/12/03  
Date

Kathleen F. Kiernan-Pagani  
By: Kathleen F. Kiernan, Chairperson  
Connecticut Examining Board for Barbers,  
Hairdressers and Cosmeticians